



**Government of India**  
**National Commission for Scheduled Tribes**

6<sup>th</sup> floor, 'B' Wing, Loknayak Bhawan  
Khan market, New Delhi-110 003.

No. SKNB/3/2015/MPNG1/SEOTH/RU-II

Dated: 2 /05/2016

To

The Chairman-cum-Managing Director,  
Indian Oil Corporation Ltd.,  
G-9 Ali Yavar Jung Marg Bandra (East),  
Mumbai-400051

Sub: Representation dated 22/06/2015 received from Shri Sonupant Kalu Nimbekar, Proprietor Trimbakeshver Petroleum, Trimbakeshwar, Dist Nasik, Maharashtra-422012 regarding termination of Indian Oil dealership Trimbakeshwar, Nasik, Maharashtra.

Sir,

I am directed to refer to this Commission's letter of even no. dated 08/03/2016 and Indian Oil Corporation Ltd., letter no. CH/1 dated 19/04/2016 on the subject mentioned above and to enclose a copy of minutes of proceedings of the hearing held on 22.04.2016 under the Chairmanship of Shri Ravi Thakur, Hon'ble Vice Chairperson, National Commission for Scheduled Tribes for necessary action.

Yours faithfully,

*Rajesh Kumar*  
(Rajesh Kumar)

Under Secretary to the Govt. of India.

Copy for information to:-

Shri Sonupant Kalu Nimbekar, Proprietor Trimbakeshver Petroleum, Trimbakeshwar, Dist Nasik, Maharashtra-422012.

Copy to:-

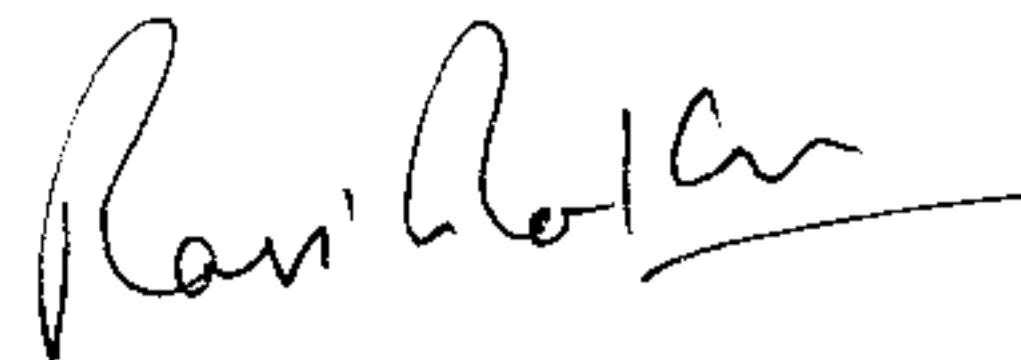
1. PS to Chairperson/PS to Vice Chairperson
2. Senior PPS to Secretary
3. Office of the Joint Secretary
4. Dir (Admn., RU-III & IV)
5. Deputy Secretary (RU-I & RU-II)
6. SSA NIC
7. AD (Admin.) for necessary arrangements of meeting

**PROCEEDINGS OF THE HEARING HELD ON 22-04-2016**  
**UNDER THE CHAIRMANSHIP OF SHRI RAVI THAKUR,**  
**HON'BLE VICE CHAIRPERSON, NATIONAL COMMISSION FOR**  
**SCHEDULED TRIBES ON THE APPLICATION FILED BY**  
**SHRI SONUPAT KALU NIMBEKAR, PROPRIETOR,**  
**TRIMBAKESHWAR PETROLEUM, DISTRICT NASHIK AGAINST**  
**CANCELLATION OF THE I.O.C PETROL PUMP RUN BY HIM.**

**List of Participants are as at Annexure-I**

Shri Sonupat Kalu Nimbekar, a Senior Citizen and a Scheduled Tribe, Proprietor, Trimbakeshwer Petroleum, Trimbakeshwar, District Nashik, Maharashtra vide his application dated 22-6-2015 has submitted that the Indian Oil Corporation Petrol Pump which he has been running without any complaint since 22-8-1995 at Trimbakeshwer, Nashik has been arbitrarily terminated by the Indian Oil Corporation (IOC) vide their order dated 11-2-2015. He has submitted that an Inspection Party consisting of two officers of IOC came to his Petrol Pump on 16-10-2013 in his absence and inspected the Pump and has taken the signature of a petrol dispensing staff on the inspection report which states that some additional unauthorised fittings were found on the dispensing unit. However before this inspection a routine inspection was carried out by the officials of IOC and found nothing against the dispensing system. The applicant has therefore stated that the termination may be cancelled and the Petrol Pump may be restored for operation. Copies of the two inspection reports are available in the file.

2. The matter was taken up with the Chairman-cum-Managing Director, Indian Oil Corporation, Mumbai vide this Commission's letter dated 10-7-2015 for their comments. IOC vide their letter dated 21-8-2015 intimated that on a surprise inspection by the anti adulteration cell team an additional unauthorised fittings were found attached in MS (Petrol) dispensing unit. Hence the unit was sealed. The extra fitting was sealed in a separate box and sent for testing. The machine's representative has confirmed that the additional fitting found is not a part of the OEM standard equipment. This additional fitting is a device to manipulate delivery up to the extent of 100 ml for every 5 litres.

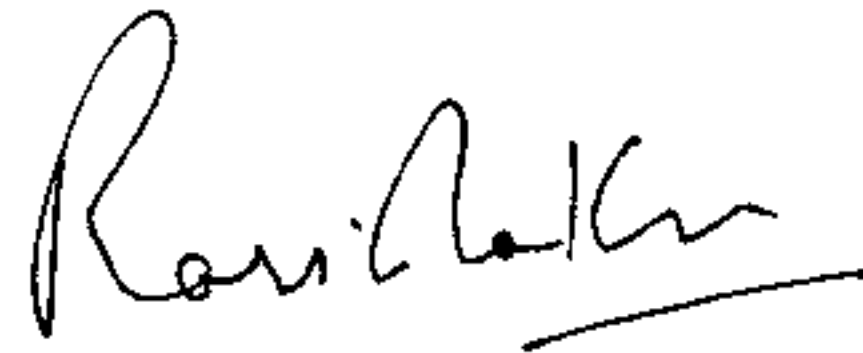


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शुुवु ठुकुडर/RAVI THAKUR  
उडडडुडुडुडु/Vice Chairperson  
रुकुडुडुडुडु डनुसुडुडुडु डनुडुडुडुडु डनुडुडुडुडु  
National Commission for Scheduled Tribes  
डररुडु डररुडुडु/Govt. of India  
डररुडु डररुडुडु/New Delhi

3. Since the submissions made by the Indian Oil Corporation Limited were found to be not satisfactory, it was decided to have a hearing in this case to settle the grievances of a Scheduled Tribe category petitioner and CMD of Indian Oil corporation Limited was directed to attend a hearing on 22-4-2016 at 2.00pm. CMD, IOCL vide his letter dated 19-4-2016 has intimated that he may be exempted from personal hearing since he has to attend some pre-scheduled meetings on 22-4-2016 and the Chair allowed the request. CMD has nominated Shri Sivasis Dey, General manager along with other officials to appear before the Commission. Accordingly they have appeared.

4. The applicant has submitted that there is nothing that the petitioner can fit extra in the dispensing unit. The dispensing unit is fitted and maintained by the Indian Oil Corporation and their recognised service engineers. The applicant has not manipulated anything. The first inspection report on the same day i.e. on 16-10-2013 could not establish anything against the applicant who is a dealer for the last 20 years of doing unblemished service to the nation. This has been done only to harass a tribal category dealer from doing a better service. No FIR has been lodged by the Surprise Inspection Team. If there is anything fitted extra, they should have lodged a complaint with the Police, which have not been done. There has been no short supply of petrol / diesel to public as certified by the SIT. The Surprise Inspection Team has not tried to call the applicant to be present while the inspection was carried out. Instead they have taken the signature of a dispensing staff, which is not as per norms. The sales officer has not detected loss / shortage or excess stock in the Pump as against the stock in the register. The petitioner has also submitted that there has been an attempt to take over the Petrol Pump along with the land from the tribal allottee against all norms which is a clear cut case of violation of rights of a tribal dealer. The petitioner has therefore requested that the Pump may be restored for operation to the applicant.



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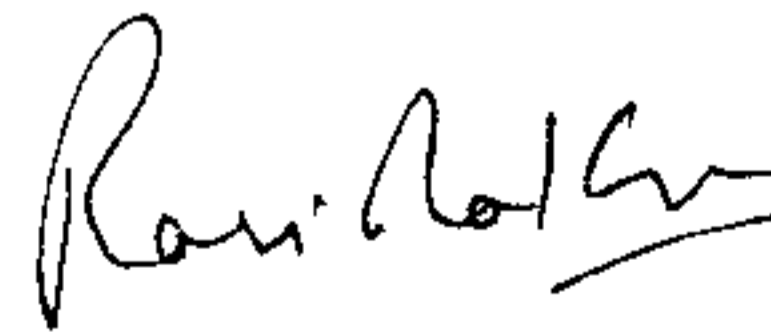
रवि ठाकुर/RAV THAKUR  
उपाध्यक्ष/Vice Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

5. The officials who attended the hearing have re-iterated what has been submitted earlier in their letter dated 21-8-2015. They could not submit anything substantially about the two inspection reports conducted on the same day by the Indian Oil officials which is contrary to each other. They could not also submit about the procedural lapses in conducting the surprise inspection by the Anti Adulteration Cell in the Pump.

6. On hearing both the parties, the Commission is of the view that there have been severe procedural lapses in conducting the inspection. When no irregularity has been noticed by an internal inspection team of the Indian Oil Corporation on the same day, i.e.16-10-2013, another inspection conducted by a Surprise Inspection Team invokes suspicion in the entire procedure adopted. If there has been any extra fittings found in the dispensing unit as alleged by the Surprise Inspection Team, then there should have been some variation in the stock of petrol in the Pump either short of petrol or extra petrol in the stock. But this has not been proved. ON the contrary it has been certified that the stock is intact vis-a-vis the record of sales from the outlet.

7. This Pump has been allotted to a Scheduled Tribe category and is operating from the property of the applicant. The attempt to take over the pump from the ST category allottee also invokes suspicion against the Oil Company.

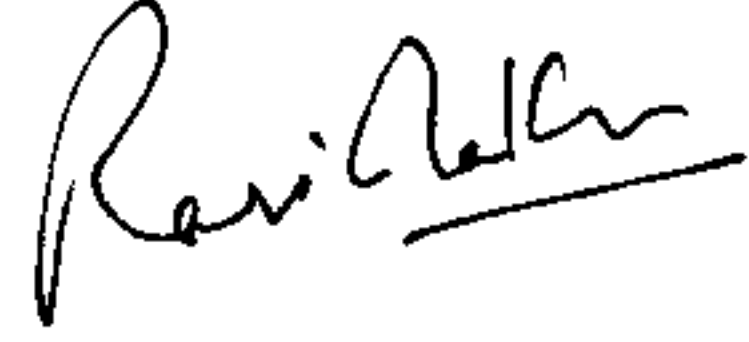
8. In view of the position, the Commission advises the Indian Oil Corporation to review the decision already taken to cancel the pump in the name of the applicant and restore the same in his favour keeping in view the flaws as noticed in the procedure adopted. Moreover there are strong reasons to believe that all this has been done with a motive to harass a Scheduled Tribe allottee who has been in the business for the last 20 years and there have been no complaints against him earlier. The Commission orders accordingly. The decision taken by the IOC may be intimated to this Commission within a period of 3 weeks.



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शुवि ठरकुडर/RAVI THAKUR  
उडरुडुडर/Vice Chairperson  
ररडुडुडर अनुसुडुडर डनडरडर डरडुडुडर  
National Commission for Scheduled Tribes  
डररर सररकर/Govt. of India  
नडुडु डरररर/New Delhi

9. Failing which another meeting in this regard shall be convened on 20-5-2016 at 11.00 am. District Magistrate, Nashik, Director, Tribal Welfare Department, Maharashtra Government, the entire Anti Adulteration Inspection team who inspected the site, Chairman-cum-Managing Director of IOC and the Secretary, Ministry of Petroleum and Natural Gas, Government of India and the applicant may be directed to attend the hearing to decide the case.



शरदे ठाकुर RAVI THAKUR  
उपाध्यक्ष, Vice Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

**List of Participants**

1. Shri Ravi Thakur, Hon'ble Vice Chairperson,  
National Commission for Scheduled Tribes,  
Government of India, New Delhi : In the Chair.
2. Shri Sivasis Dey,  
General Manager (Retail Sales),  
Indian Oil Corporation Limited,  
Maharashtra Division,  
Mumbai.
3. Shri Mukesh Dhiman,  
Deputy General Manager (Retail Sales),  
Indian Oil Corporation Limited,  
Mumbai
4. Shri Sanjeev Ralli,  
(designation not recorded)  
Indian Oil Corporation Ltd and other Liasison officials.
5. Smt. K. D. Bhansor,  
Director, NCST,  
New Delhi
6. Shri Rajesh Kumar,  
Under Secretary, NCST,  
New Delhi.
7. Shri Sonupat Kalu Nimbekar : The Petitioner